



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, CA 95814

In the Matter of the Appeal by

JAMES M. MATTINGLY, JR.

From a fifteen-day suspension from
the position of Facility Captain
with the Department of Corrections
at the Substance Abuse Treatment
Facility at Corcoran

Case No. 00-1275

DECISION APPROVING

STIPULATION FOR SETTLEMENT

WHEREAS, the State Personnel Board has considered the stipulation for settlement submitted by the parties in the above matter; and,

WHEREAS, the parties have represented either through their signatures (or the signatures of their representatives) on a stipulation for settlement, or before an Administrative Law Judge who has incorporated the parties' stipulation for settlement into a Proposed Decision, their desire to settle the appeal pending before the Board; and,

WHEREAS, the Board is therefore satisfied that the parties have voluntarily agreed to the disposition of the matter pending before the Board as set forth in the settlement;

WHEREAS, the Board also finds that the settlement is consistent with the interests protected by the State's merit civil service system as defined in Article VII of the California Constitution and the State Civil Service Act (Government Code section 18500 et seq.); and,

WHEREAS, in approving the settlement, the Board expresses no opinion as to whether the terms of the settlement are otherwise reasonable under all the circumstances of the case;

IT IS RESOLVED that pursuant to the authority as set forth in Government Code section 18681, and in accordance with the Board's precedential decision Pamela Martin (1991) SPB Dec. No. 91-03, the State Personnel Board adopts the stipulation for settlement as its decision in the case.

DATED: _____

Executive Officer/(Delegate)
State Personnel Board

(continued)

BEFORE THE STATE PERSONNEL BOARD OF THE STATE OF CALIFORNIA

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PROPOSED DECISION

This matter came on regularly for hearing before Karen G. Andres, Administrative Law Judge (ALJ), State Personnel Board (SPB), on August 23 and November 1, 2000, at Corcoran, California.

Appellant, James M. Mattingly, Jr.(appellant), was present and represented himself.

Respondent was represented by John Denvir, Staff Counsel, Department of Corrections (respondent/department).

The ALJ makes the following Proposed Decision:

I

The suspension effective May 22, 2000 and appellant's appeal therefrom, comply with the procedural requirements of the State Civil Service Act.

(continued)

II

After the start of the hearing and after some discussion with the ALJ, the parties stipulated as follows:

1. Respondent agrees to modify the penalty from a fifteen (15) working day suspension to an official letter of reprimand.
2. Respondent agrees to withdraw the official letter of reprimand from appellant's official personnel file effective January 1, 2001.
3. Appellant withdraws his appeal from the adverse action as modified.
4. Respondent agrees to award appellant all back pay and benefits, if any, that would have accrued had he not been suspended. This shall include the pay differential as outlined in California Code of Regulations section 14.132.1.
5. The parties enter into this agreement freely and voluntarily and hereby waive any right to further appeal, which they may have with respect to the matter settled herein.

(continued)

6. This stipulation for settlement is subject to approval of SPB. The parties, however, agree to honor the terms and conditions set forth in this stipulation for settlement until its adoption or rejection by the SPB.

* * * * *

WHEREFORE IT IS DETERMINED that the stipulation is approved.

* * * * *

I hereby certify that the foregoing constitutes my Proposed Decision in the above-entitled matter and I recommend its adoption by the State Personnel Board as its decision in the case.

DATED: November 1, 2000

KAREN G. ANDRES
Administrative Law Judge
State Personnel Board